

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN NURSING
239 Causeway Street
Boston, MA 02114
(617) 727-9961**

**GOOD MORAL CHARACTER LICENSURE REQUIREMENT
INFORMATION SHEET**

Initial Nurse Licensure by Examination or by Reciprocity in Massachusetts

The Massachusetts Board of Registration in Nursing (Board), as a regulatory agency of state government, protects the health, safety and welfare of the citizens of the Commonwealth by licensing qualified Registered Nurses and Licensed Practical Nurses in accordance with Massachusetts General Laws (G.L.) Chapter 112, sections 74, 74A and 76 and Board regulations at 244 CMR 8.00. The laws and regulations governing nurse licensure are established to ensure that each initial applicant for licensure as a Registered Nurse or Licensed Practical Nurse possesses the knowledge, skills and abilities needed to provide safe, competent nursing care.

Each applicant for initial nurse licensure by examination and by reciprocity (initial applicant) in Massachusetts must comply with the "good moral character" (GMC) licensure requirement specified at G.L. c. 112, secs. 74, 74A and 76. The Massachusetts initial nurse licensure application includes questions about criminal convictions (misdemeanors and felonies) and disciplinary actions by a licensure/certification body. Each initial applicant has the burden to demonstrate compliance with the GMC licensure requirement. This Information Sheet is designed to assist initial applicants, as well as any person interested in a nursing career, to understand the GMC licensure requirement. Review it carefully. The Board's policies regarding the GMC licensure requirement are available online at www.state.ma.us/reg/boards/rn.

Each initial applicant who answers "yes" to the license application questions related to a criminal conviction or disciplinary action, must demonstrate compliance with the GMC licensure requirement in accordance with the Board's Licensure Policy 00-01: *Initial Nurse Licensure by Examination or by Reciprocity: Determination of Good Moral Character*, effective January 1, 2000 and revised on January 9, 2002 (GMC Policy)¹. Under this Policy, an initial applicant convicted of certain specified crimes set forth in the GMC Policy will be *permanently* excluded from nurse licensure in Massachusetts (see Table 1). The GMC Policy also provides that an initial applicant convicted of any other crime(s) will be *temporarily* excluded from licensure until she or he has been conviction-free for a minimum period of five (5) years and has had all court-ordered requirements closed for a minimum of one (1) year before the date the Board receives the application for initial licensure (see Table 1), *unless* the applicant meets the criteria for the exception to this temporary licensure exclusion (see Table 2). In addition, an initial applicant who knowingly falsifies, or knowingly attempts to falsify, information directly related to the applicant's qualifications for the National Council Licensure Examination (NCLEX) or licensure,

¹ Initial applicants for licensure by examination who were enrolled as declared nursing majors on January 1, 2000 and graduate before August 31, 2004, should refer to the GMC Policy for important additional information.

or who cheats on the NCLEX or on any other licensure or certification examination will *not* be considered compliant with the GMC licensure requirement and will be excluded from initial licensure in Massachusetts for at least five (5) years (see Table 1)

The GMC policy further provides that all disciplinary action imposed by a licensure/certification body must be satisfactorily completed and all disciplinary matters closed before the Board will evaluate the initial licensure application. In addition, the Board will not evaluate the GMC compliance of any initial applicant with court-ordered requirements unless the applicant has met all such requirements and all criminal matters involving the applicant are closed

All initial applicants who answer “yes” to the GMC related application questions and who are not permanently or temporarily excluded from licensure as set forth in the GMC Policy *must* submit all of the relevant documentation outlined on *Attachment A* in order for the Board to determine the applicant’s compliance with the GMC licensure requirement. The Board will not evaluate any application for compliance with the GMC requirement until it has received *all* required documentation from the initial applicant.

Definition of criminal conviction

For the purpose of the Board’s GMC Policy, the meaning of “conviction,” which applies to both misdemeanors and felonies, and which an initial applicant must report to the Board, include any of the following:²

- a verdict or finding of guilty
- a plea of guilty
- a plea of nolo contendere (no contest)
- any other plea treated by a court as a guilty plea regardless of the jurisdiction in which the conviction was entered

Mandatory Permanent and Mandatory Temporary exclusions from initial nurse licensure

Under the GMC Policy, the conduct and criminal convictions that will result in either *mandatory permanent* and *mandatory temporary* exclusion from initial nurse licensure in Massachusetts are listed in Table 1, below.

Table 1

<i>Mandatory Permanent Exclusion from Licensure</i>	<i>Mandatory Temporary Exclusion from Licensure</i>
1) The conduct underlying the following crimes: <ul style="list-style-type: none"> • Administering drugs to obtain sex • Aggravated sexual assault • Armed assault with intent to murder with felony intent • Armed assault with intent • Assault and battery dangerous intimidation, race, color, religion • Assault with intent to rape 	1) Any criminal conviction within the five (5) year period immediately preceding the date the Board receives the initial licensure application, that does not otherwise require mandatory permanent exclusion from licensure; 2) knowingly falsifying, or knowingly attempting to falsify, any documentation or information submitted on an application for examination or for licensure, or both,

² Final judgments which have been expunged by pardon or which have been sealed are excluded.

<p>Table 1 (continued)</p> <ul style="list-style-type: none"> • Breaking and entering, day/night, intent to commit felony, fear • Burglary, armed assault on occupant • Burning dwelling house (attempt) • Indecent assault and battery, child 14 or over • Indecent assault and battery, child 14 or under • Induce sex, minor • Kidnapping • Murder • Rape; <p>2) the conduct underlying any violent crime against any person(s) that exhibits intentional or deliberate extreme disregard of human life; and</p> <p>3) trafficking in, or illegally manufacturing, any controlled substance.</p>	<p>that is directly related to the qualifications for such examination or licensure; or</p> <p>3) cheating on the National Council Licensure Examination (NCLEX), or on any other licensure or certification examination.</p>
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Exception to the mandatory temporary exclusion from licensure due to a criminal conviction

An initial applicant who is temporarily excluded from licensure may, however, request that the Board evaluate his or her compliance with the GMC licensure requirement in accordance with the case by case determination process, *provided that*, the applicant meets *all* the requirements listed in Table 2, below.

Table 2

<p>Criteria for the <i>exception</i> to temporary exclusion from licensure due to a criminal conviction:</p> <ol style="list-style-type: none"> 1) The applicant has submitted a signed, written request for the determination of her or his compliance with the GMC licensure requirement, <i>together with</i> all applicable documentation listed on <i>Attachment A</i>; 2) Within the five-year period immediately preceding the Board's receipt of the application, the applicant: <ol style="list-style-type: none"> a) has had only one criminal conviction for a single misdemeanor offense or multiple criminal convictions for misdemeanor offenses that are all based on the same criminal incident or episode; b) was not sentenced to any period of incarceration, whether suspended or stayed; and c) has successfully completed all related court-ordered requirements, if any, including probation; 3) The applicant's criminal conduct, if it occurred outside Massachusetts, would constitute a misdemeanor if it had occurred in Massachusetts; 4) The crime(s) for which the applicant was convicted was victimless and nonviolent; and 5) The applicant has no open criminal case(s).
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GMC case by case determination criteria

With the exception of initial applicants who are permanently or temporarily excluded from initial licensure, as identified in the GMC Policy, the Board will evaluate an applicant for initial licensure for compliance with the GMC licensure requirement on a case by case determination basis. The Board will conduct this evaluation to determine whether the applicant's conduct:

- poses a threat to the public health, safety or welfare;
- is of significance to the provision of safe and competent nursing care; and
- is characteristic of the applicant's conduct.

In making its determination of an applicant's GMC compliance, the Board will evaluate factors including, but not limited to:

- the nature and seriousness of all conduct at issue, including any criminal conviction(s) or disciplinary action(s) by a licensure/certification body;
- the sufficiency of the applicant's sustained rehabilitation;
- the applicant's age at the time all conduct at issue occurred;
- the frequency of occurrence of all conduct at issue;
- the recency of all conduct at issue; and
- any mitigating or aggravating circumstances related to the conduct.

Documentation required for determination of GMC compliance

It is the initial applicant's responsibility to submit to the Board adequate documentation and other information for the Board to determine whether the applicant possesses the requisite GMC for licensure. In evaluating an applicant's GMC, the Board considers all available pertinent information as to the applicant's present and past conduct.

Note carefully: Each initial applicant whose GMC compliance is at issue must submit to the Board with her or his application all applicable documentation listed on *Attachment A*. If the Board requires any information in addition to the documentation listed on *Attachment A*, the Board will notify the applicant in writing. Consistent with the Board's duty to ensure that the conduct of each applicant to whom it grants a nursing license does not pose an unacceptable risk to the public health, safety and welfare, the Board may conduct random criminal history checks.

Initial applicants for licensure by examination may submit required documentation up to eight (8) weeks before graduation from a Board approved nursing education program. The Board will not consider documentation that is submitted more than eight (8) weeks before graduation.

What to expect after submitting all required documentation

The amount of time that is needed for the Board to determine an initial applicant's compliance with the GMC licensure requirement varies. However, an initial applicant should expect that the process will take at least eight (8) weeks.

The Board may require an initial applicant with multiple convictions involving alcohol or drug use to be evaluated by a Board-designated clinician to determine the applicant's current recovery status and future risk for relapse. This assessment must be completed and submitted to the Board before it will evaluate the applicant's GMC compliance. The applicant will be responsible for any and all expenses incurred in connection with this evaluation.

**Commonwealth of Massachusetts
Board of Registration in Nursing**

**ATTACHMENT A
Documentation Required For Determination of “Good Moral Character”**

REQUIRED DOCUMENTATION	WHO MUST SUBMIT
<i>Note:</i> Fax transmissions will not be accepted.	
Massachusetts Criminal Offender Record Information Form signed and completed by initial applicant (see attached).	All initial applicants with any criminal conviction or disciplinary action, or both, involving alcohol or drug use.
Certified court record of each criminal conviction, including conviction date, sentence imposed, verification of closure of criminal case with the closure date , sent directly by the Board from the official record depository (initial applicant must arrange).	All initial applicants with criminal convictions outside of Massachusetts.
Certified record of the final written determination of each disciplinary action, including closure issued by a licensure/certification body against the initial applicant’s license (initial applicant must arrange).	All initial applicants requiring GMC compliance evaluation due to disciplinary action.
Certified record of all documentation related to the denial, voluntary resignation or voluntary surrender of a license issued by a licensure/certification body (initial applicant must arrange).	All initial applicants denied a license by a licensure/certification body or who resigned or surrendered a license
<p>Initial applicant’s <i>signed</i> written explanation about each criminal conviction or disciplinary action, or both, including:</p> <ul style="list-style-type: none"> · a description, with dates, of the conviction(s) or disciplinary action(s), or both; · a description of the criminal sentence(s) and court-ordered requirement(s), and/or disciplinary sanction(s) imposed and served with the dates each criminal case or disciplinary action was closed; · a detailed description of the circumstances surrounding each criminal conviction or disciplinary action, or both; · actions taken by the applicant to prevent the recurrence of conduct underlying each criminal conviction or disciplinary action, or both; · if the application is for initial licensure <i>by examination</i>: a description of the applicant’s participation in extracurricular activities during nursing program enrollment; professional and community activities and professional goals; and · if a criminal conviction or disciplinary action, or both, <i>involves alcohol or drug use</i>: a detailed description of interventions and support systems currently used by applicant to maintain sustained recovery. <p>This explanation must be typed in business format, addressed to the Board, and include the date written, applicant’s full name, address, email address, telephone number and the applicant’s signature.</p>	<p>All initial applicants.</p> <p>Note: Initial applicants are <i>strongly</i> advised to obtain and review a copy of their record of criminal conviction(s) or disciplinary action(s), or both, to assure that they fully address all matters in their written explanation to the Board.</p>
Initial applicant’s <i>current</i> resume.	All initial applicants.
ATTACHMENT A (Continued)	

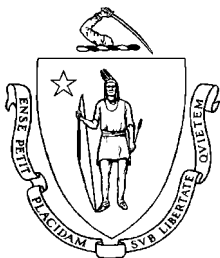
Reference from nursing program instructor who has observed the applicant's conduct on a weekly basis. Each reference must be written on academic institution letterhead, be addressed to the Board, and include the date written, length of time and capacity in which the instructor has known the applicant, and verification that the applicant was enrolled in nursing program on January 1, 2000 and graduated on or before August 31, 2004, and the author's signature. <i>Note:</i> Clinical evaluations will not be accepted.	All initial applicants for licensure by <i>examination</i> only.
Reference from recent or current employment supervisor. Each reference must be originally written on the employer's letterhead, be addressed to the Board, and include the date written, length of time and capacity in which the author has known the applicant, and the author's signature.	All initial applicants.
Written verification(s) from Probation Officer(s) of the applicant's compliance with all court-ordered stipulations and closure of the applicant's criminal case(s). Each verification must be written on official court letterhead, be addressed to the Board, and include the date written, length of time the Probation Officer has known the applicant, and be signed by the Probation Officer. <i>Note:</i> The Board will not accept copies of the documentation.	All initial applicants with court-ordered probation.
Certified discharge record(s) from drug and/or alcohol education or treatment program(s), or both.	All initial applicants discharged from drug and/or alcohol education and treatment programs, or both
Written verification from sponsor of the applicant's maintenance of sobriety and active participation in a Twelve-Step Program, including the frequency and duration of applicant's attendance. Each verification must be original, be addressed to the Board, and include the date written, and the author's signature. Sponsor may sign only his or her first name.	All initial applicants with a history of alcohol and drug use.

Where to send required documentation

Initial Licensure by Examination Applicants	Initial Licensure by Reciprocity Applicants
Board of Registration in Nursing c/o NCLEX Administrative Assistant 239 Causeway Street Boston, MA 02114	Board of Registration in Nursing c/o Reciprocity Administrative Assistant 239 Causeway Street Boston, MA 02114

- ☒ All initial applicants are advised to use U.S. Postal Service Registered Mail when submitting required documentation in order to receive a dated confirmation of receipt by the Board. Telephone confirmation of document receipt is *not* available.

The Board will notify initial applicants in writing of the outcome of its GMC evaluation. Initial applicants whom the Board determines do not comply with the GMC licensure requirement will be denied nurse licensure in Massachusetts. The Board will specify the circumstances, if any, under which the Board would find an applicant denied licensure sufficiently rehabilitated and therefore, potentially eligible for nurse licensure in Massachusetts.



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CRIMINAL OFFENDER RECORD INFORMATION

GMABRN

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The Massachusetts Board of Registration in Nursing has been certified by the Criminal History Systems Board for access to all criminal case data. As an applicant for licensure by examination or by reciprocity as a Registered Nurse or Licensed Practical Nurse, I understand that a criminal record check will be conducted for any existing criminal case information and that it will not necessarily disqualify me. The information below is correct to the best of my knowledge.

Applicant Signature

Date

Applicant Information (Please Print)

Check type of application and licensure category (*check two boxes*):

- ☐ Initial Nurse Licensure by Examination (NCLEX)
☐ Initial Nurse Licensure by Reciprocity (hold nurse licensure in another state)
☐ Registered Nurse
☐ Licensed Practical Nurse

Last Name

First Name

MI

Maiden Name, (if applicable)

DOB: _____ SSN: _____

Address: _____

Email address: _____

Telephone: _____

CHSB USE ONLY

Record attached: ☐ No record: ☐

Date: _____

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